SENATE BILL No. 329

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-31-6-11; IC 4-33-8.5-3; IC 9-25-6-20; IC 14-11-3-4; IC 25-1-1.2-8; IC 27-1-15.6-29; IC 27-10-3-20; IC 31-9-2; IC 31-14-12; IC 31-16; IC 31-25; IC 33-37-5-6; IC 34-30-2-133.2.

Synopsis: Child support. Requires: (1) a court that orders, modifies, or enforces a child support order to issue an immediate income withholding of an obligor's income; and (2) the bureau of child support to prescribe standard income withholding order and notice forms. Establishes: (1) requirements for implementation of an income withholding order; (2) amounts to be withheld under certain income withholding orders; (3) notice requirements concerning income withholding orders; and (4) income withholding requirements for income payors. Provides that: (1) a court may stay implementation of an income withholding order if certain requirements are met; (2) if a court does not issue an income withholding order, a Title IV-D agency may issue an income withholding order; (3) a Title IV-D agency may lift a stay of implementation of an income withholding order if certain conditions are met; (4) an obligor or obligee may file a petition to lift a stay; (5) an income payor who fails to comply with an income withholding order is liable; and (6) a Title IV-D agency or its agent is not subject to civil liability for income withheld and paid in accordance with an income withholding order. Provides that an income payor that discharges from employment, refuses to employ, takes disciplinary action, or otherwise discriminates against an obligor because of an income withholding order is subject to a penalty not to exceed \$5,000. Requires a: (1) Title IV-D agency that collects at least \$500 of child support for an individual who has never received Title IV-A assistance (Continued next page)

Effective: July 1, 2007.

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January 11, 2007, read first time and referred to Committee on Judiciary.



to charge an annual fee, which must be collected from child support payments, the parent who owes child support, or state funds appropriated for the purpose of paying the fee; and (2) child support order to include an order for medical support to be provided by either or both parents. Provides that before enforcing a judgment against funds in a joint account, the child support bureau in a Title IV-D case must send a notice informing each joint account holder that the joint account holder may request a hearing and present evidence that part of the funds in the joint account should not be subject to legal process for child support purposes. Changes the annual child support fee from \$30 to \$55. Adds a cross reference to an existing provision regarding the review and adjustment of child support orders. Authorizes the child support bureau to impose a civil penalty on a person who refuses to comply with a subpoena. Repeals and replaces provisions concerning the issuance and activation of income withholding orders.





Introduced

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in this style type, and deletions will appear in this style type.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or *this style type* reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

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SENATE BILL No. 329

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A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

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Be it enacted by the General Assembly of the State of Indiana:

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	SECTION 1. IC 4-31-6-11, AS AMENDED BY P.L.145-2006
SE	ECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
JU	LY 1, 2007]: Sec. 11. (a) Upon receiving an order from the bureau
(T_{i})	itle IV-D agency) under IC 31-25-4-32(h), the commission shall send
to	the person who is the subject of the order a notice that does the
fol	llowing:

- (1) States that the person is delinquent and is subject to an order placing the person on probationary status.
- (2) Explains that unless the person contacts the bureau and:
 - (A) pays the person's child support arrearage in full;
 - (B) requests the activation of an income withholding order under IC 31-16-15-2 and establishes a payment plan with the bureau to pay the arrearage, which must include an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5; or



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IN 329—LS 6916/DI 110+

1	(C) requests a hearing under IC 31-25-4-33;
2	within twenty (20) days after the date the notice is mailed, the
3	commission shall place the person on probationary status with
4	respect to any license issued to the person under this chapter.
5	(3) Explains that the person may contest the bureau's
6	determination that the person is delinquent and subject to an order
7	placing the person on probationary status by making written
8	application to the bureau within twenty (20) days after the date
9	the notice is mailed.
10	(4) Explains that the only basis for contesting the bureau's
11	determination that the person is delinquent and subject to an order
12	placing the person on probationary status is a mistake of fact.
13	(5) Explains the procedures to:
14	(A) pay the person's child support arrearage in full;
15	(B) establish a payment plan with the bureau to pay the
16	arrearage, which must include an income withholding order
17	under IC 31-16-15-2 or IC 31-16-15-2.5; and
18	(C) request the activation of an income withholding order
19	under IC 31-16-15-2; and
20	(D) (C) request a hearing under IC 31-25-4-33.
21	(6) Explains that the probation will terminate ten (10) business
22	days after the commission receives a notice from the bureau that
23	the person has:
24	(A) paid the person's child support arrearage in full; or
25	(B) established a payment plan with the bureau to pay the
26	arrearage, and requested the activation of which includes an
27	income withholding order under IC 31-16-15-2 or
28	IC 31-16-15-2.5.
29	(b) Upon receiving an order from the bureau (Title IV-D agency)
30	under IC 31-25-4-34(c), the commission shall send to the person who
31	is the subject of the order a notice that states the following:
32	(1) That a license issued to the person under this chapter has been
33	placed on probationary status, beginning five (5) business days
34	after the date the notice is mailed, and that the probation will
35	terminate ten (10) business days after the commission receives a
36	notice from the bureau that the person has:
37	(A) paid the person's child support arrearage in full; or
38	(B) established a payment plan with the bureau to pay the
39	arrearage, and requested the activation of which includes an
40	income withholding order under IC 31-16-15-2 or
41	IC 31-16-15-2.5.
12	(2) That if the commission is advised by the bureau that the



1	person whose license has been placed on probationary status has
2	failed to:
3	(A) pay the person's child support arrearage in full; or
4	(B) establish a payment plan with the bureau to pay the
5	arrearage, and request the activation of which includes an
6	income withholding order under IC 31-16-15-2 or
7	IC 31-16-15-2.5;
8	within twenty (20) days after the date the notice is mailed, the
9	commission shall suspend the person's license.
.0	(c) If a person whose license has been placed on probationary status
.1	fails to:
.2	(1) pay the person's child support arrearage in full; or
.3	(2) establish a payment plan with the bureau to pay the arrearage,
4	and request the activation of which includes an income
.5	withholding order under IC 31-16-15-2 or IC 31-16-15-2.5;
6	within twenty (20) days after the notice required under subsection (b)
.7	is mailed, the commission shall suspend the person's license.
.8	(d) The commission may not reinstate a license placed on probation
9	or suspended under this section until the commission receives a notice
20	from the bureau that the person has:
21	(1) paid the person's child support arrearage in full; or
22	(2) established a payment plan with the bureau to pay the
23	arrearage, and requested the activation of which includes an
24	income withholding order under IC 31-16-15-2 or
25	IC 31-16-15-2.5.
26	SECTION 2. IC 4-33-8.5-3, AS AMENDED BY P.L.145-2006,
27	SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
28	JULY 1, 2007]: Sec. 3. (a) Upon receiving an order from the bureau
29	(Title IV-D agency) under IC 31-25-4-32(h), the commission shall send
30	to the person who is the subject of the order a notice that does the
31	following:
32	(1) States that the person is delinquent and is subject to an order
3	placing the person on probationary status.
4	(2) Explains that unless the person contacts the bureau and:
55	(A) pays the person's child support arrearage in full;
66	(B) requests the activation of an income withholding order
37	under IC 31-16-15-2 and establishes a payment plan with the
8	bureau to pay the arrearage, which must include an income
9	withholding order under IC 31-16-15-2 or IC 31-16-15-2.5;
10	or
1	(C) requests a hearing under IC 31-25-4-33;
12	within twenty (20) days after the date the notice is mailed, the



1	commission shall place the person on probationary status with	
2	respect to any license issued to the person under this chapter.	
3	(3) Explains that the person may contest the bureau's	
4	determination that the person is delinquent and subject to an order	
5	placing the person on probationary status by making written	
6	application to the bureau within twenty (20) days after the date	
7	the notice is mailed.	
8	(4) Explains that the only basis for contesting the bureau's	
9	determination that the person is delinquent and subject to an order	
10	placing the person on probationary status is a mistake of fact.	
11	(5) Explains the procedures to:	
12	(A) pay the person's child support arrearage in full;	
13	(B) establish a payment plan with the bureau to pay the	
14	arrearage, which must include an income withholding order	
15	under IC 31-16-15-2 or IC 31-16-15-2.5; and	
16	(C) request the activation of an income withholding order	
17	under IC 31-16-15-2; and	
18	(C) Figure that the production ill (product to the control of the	
19	(6) Explains that the probation will terminate ten (10) business	
20	days after the commission receives a notice from the bureau that	
21	the person has:	
22	(A) paid the person's child support arrearage in full; or	
23	(B) established a payment plan with the bureau to pay the	
24	arrearage, and requested the activation of which includes an	
25	income withholding order under IC 31-16-15-2 or	
26	IC 31-16-15-2.5.	
27	(b) Upon receiving an order from the bureau (Title IV-D agency)	
28 29	under IC 31-25-4-34(c), the commission shall send to the person who	
30	is the subject of the order a notice that states the following: (1) That a license issued to the person under this article has been	
31	placed on probationary status, beginning five (5) business days	
32	after the date the notice is mailed, and that the probation will	
33	terminate ten (10) business days after the commission receives a	
34	notice from the bureau that the person has:	
35	(A) paid the person's child support arrearage in full; or	
36	(B) established a payment plan with the bureau to pay the	
37	arrearage, and requested the activation of which includes an	
38	income withholding order under IC 31-16-15-2 or	
39	IC 31-16-15-2.5.	
10	(2) That if the commission is advised by the bureau that the	
40 41	person whose license has been placed on probationary status has	
12	failed to:	



1	(A) pay the person's child support arrearage in full; or	
2	(B) establish a payment plan with the bureau to pay the	
3	arrearage, and request the activation of which includes an	
4	income withholding order under IC 31-16-15-2 or	
5	IC 31-16-15-2.5;	
6	within twenty (20) days after the date the notice is mailed, the	
7	commission shall suspend the person's license.	
8	(c) If a person whose license has been placed on probationary status	
9	fails to:	
10	(1) pay the person's child support arrearage in full; or	
11	(2) establish a payment plan with the bureau to pay the arrearage,	
12	and request the activation of which includes an income	
13	withholding order under IC 31-16-15-2 or IC 31-16-15-2.5;	
14	within twenty (20) days after the notice required under subsection (b)	
15	is mailed, the commission shall suspend the person's license.	
16	(d) The commission may not reinstate a license placed on probation	
17	or suspended under this section until the commission receives a notice	
18	from the bureau that the person has:	
19	(1) paid the person's child support arrearage in full; or	
20	(2) established a payment plan with the bureau to pay the	
21	arrearage, and requested the activation of which includes an	
22	income withholding order under IC 31-16-15-2 or	
23	IC 31-16-15-2.5.	
24	SECTION 3. IC 9-25-6-20, AS AMENDED BY P.L.145-2006,	
25	SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE	
26	JULY 1, 2007]: Sec. 20. (a) If the bureau is advised by the Title IV-D	
27	agency that the obligor (as defined in IC 31-25-4-4) either requested a	
28	hearing under IC 31-25-4-33 and failed to appear or appeared and was	
29	found to be delinquent, the bureau shall promptly mail a notice to the	
30	obligor stating the following:	
31	(1) That the obligor's driving privileges are suspended, beginning	
32	twenty (20) business days after the date the notice is mailed, and	
33	that the suspension will terminate after the bureau receives a	
34	notice from the Title IV-D agency that the obligor has:	
35	(A) paid the obligor's child support arrearage in full; or	
36	(B) established a payment plan with the Title IV-D agency to	
37	pay the arrearage, and requested the activation of which	
38	includes an income withholding order under IC 31-16-15-2 or	
39	IC 31-16-15-2.5.	
40	(2) That the obligor may be granted a restricted driving permit	
41	under IC 9-24-15-6.7 if the obligor can prove that public	
42	transportation is unavailable for travel by the obligor:	



1	(A) to and from the obligor's regular place of employment;
2	(B) in the course of the obligor's regular employment;
3	(C) to and from the obligor's place of worship; or
4	(D) to participate in parenting time with the petitioner's
5	children consistent with a court order granting parenting time.
6	(b) The bureau may not reinstate a driving license or permit
7	suspended under this section until the bureau receives a notice from the
8	Title IV-D agency that the obligor has:
9	(1) paid the obligor's child support arrearage in full; or
10	(2) established a payment plan with the Title IV-D agency to pay
11	the arrearage, and requested the activation of which includes an
12	income withholding order under IC 31-16-15-2 or
13	IC 31-16-15-2.5.
14	(c) Unless an obligor whose driving license or permit is suspended
15	under this section has been issued a restricted driving permit under
16	IC 9-24-15 as a result of a suspension under this section, an obligor
17	who operates a motor vehicle in violation of the section commits a
18	Class A infraction.
19	SECTION 4. IC 14-11-3-4, AS AMENDED BY P.L.145-2006,
20	SECTION 131, IS AMENDED TO READ AS FOLLOWS
21	[EFFECTIVE JULY 1, 2007]: Sec. 4. (a) Upon receiving an order from
22	the bureau under IC 31-25-4-32(j), the director shall send to the person
23	who is the subject of the order a notice that does the following:
24	(1) States that the person is delinquent and is subject to an order
25	placing the person on probationary status.
26	(2) Explains that unless the person contacts the bureau and:
27	(A) pays the person's child support arrearage in full;
28	(B) requests the activation of an income withholding order
29	under IC 31-16-15-2 and establishes a payment plan with the
30	bureau to pay the arrearage, which must include an income
31	withholding order under IC 31-16-15-2 or IC 31-16-15-2.5;
32	or
33	(C) requests a hearing under IC 31-25-4-33;
34	within twenty (20) days after the date the notice is mailed, the
35	director shall place the person on probationary status with respect
36	to any license issued to the person under IC 14-22-12,
37	IC 14-22-14, IC 14-22-16, IC 14-22-17, IC 14-22-19, IC 14-24-7,
38	or IC 14-31-3.
39	(3) Explains that the person may contest the bureau's
40	determination that the person is delinquent and subject to an order
41	placing the person on probationary status by making written
42	application to the bureau within twenty (20) days after the date



1	the notice is mailed.
2	(4) Explains that the only basis for contesting the bureau's
3	determination that the person is delinquent and subject to an order
4	placing the person on probationary status is a mistake of fact.
5	(5) Explains the procedures to:
6	(A) pay the person's child support arrearage in full;
7	(B) establish a payment plan with the bureau to pay the
8	arrearage, which must include an income withholding order
9	under IC 31-16-15-2 or IC 31-16-15-2.5; and
0	(C) request the activation of an income withholding order
1	under IC 31-16-15-2; and
2	(D) (C) request a hearing under IC 31-25-4-33.
3	(6) Explains that the probation will terminate ten (10) business
4	days after the director receives a notice from the bureau that the
5	person has:
6	(A) paid the person's child support arrearage in full; or
7	(B) established a payment plan with the bureau to pay the
8	arrearage, and requested the activation of which includes an
9	income withholding order under IC 31-16-15-2 or
20	IC 31-16-15-2.5.
21	(b) Upon receiving an order from the bureau under
22	IC 31-25-4-34(e), the director shall send to the person who is the
23	subject of the order a notice that states the following:
24	(1) That a license issued to the person under IC 14-22-12,
25	IC 14-22-14, IC 14-22-16, IC 14-22-17, IC 14-22-19, IC 14-24-7,
26	or IC 14-31-3 has been placed on probationary status, beginning
27	five (5) business days after the date the notice is mailed, and that
28	the probation will terminate ten (10) business days after the
29	director receives a notice from the bureau that the person has:
0	(A) paid the person's child support arrearage in full; or
31	(B) established a payment plan with the bureau to pay the
32	arrearage, and requested the activation of which includes an
3	income withholding order under IC 31-16-15-2 or
4	IC 31-16-15-2.5.
55	(2) That if the director is advised by the bureau that the person
66	whose license has been placed on probationary status has failed
37	to:
8	(A) pay the person's child support arrearage in full; or
9	(B) establish a payment plan with the bureau to pay the
10	arrearage, and request the activation of which includes an
1	income withholding order under IC 31-16-15-2 or
12	IC 31-16-15-2.5:



1	within twenty (20) days after the date the notice is mailed, the
2	director shall suspend the person's license.
3	(c) If a person whose license has been placed on probationary status
4	fails to:
5	(1) pay the person's child support arrearage in full; or
6	(2) establish a payment plan with the bureau to pay the arrearage,
7	and request the activation of which includes an income
8	withholding order under IC 31-16-15-2 or IC 31-16-15-2.5;
9	within twenty (20) days after the notice required under subsection (b)
.0	is mailed, the director shall suspend the person's license.
. 1	(d) The director may not reinstate a license placed on probation or
. 2	suspended under this section until the director receives a notice from
.3	the bureau that the person has:
4	(1) paid the person's child support arrearage in full; or
.5	(2) established a payment plan with the bureau to pay the
.6	arrearage, and requested the activation of which includes an
.7	income withholding order under IC 31-16-15-2 or
8	IC 31-16-15-2.5.
9	SECTION 5. IC 25-1-1.2-8, AS AMENDED BY P.L.145-2006,
20	SECTION 158, IS AMENDED TO READ AS FOLLOWS
2.1	[EFFECTIVE JULY 1, 2007]: Sec. 8. (a) The board shall, upon
22	receiving an order from the bureau under IC 31-25-4-32(e), send a
23	notice to the practitioner identified by the bureau that includes the
24	following:
25	(1) Specifies that the practitioner is delinquent and is subject to
26	an order placing the practitioner on probationary status.
27	(2) Describes the amount of child support that the practitioner is
28	in arrears.
29	(3) Explains that unless the practitioner contacts the bureau and:
0	(A) pays the practitioner's child support arrearage in full;
31	(B) requests the activation of an income withholding order
32	under IC 31-16-15-2 and establishes a payment plan with the
33	bureau to pay the arrearage, which must include an income
34	withholding order under IC 31-16-15-2 or IC 31-16-15-2.5;
55	or
66	(C) requests a hearing under IC 31-25-4-33;
37	within twenty (20) days after the date the notice is mailed, the
8	board shall place the practitioner on probationary status.
19	(4) Explains that the practitioner may contest the bureau's
10	determination that the practitioner is delinquent and subject to an
1	order placing the practitioner on probationary status by making
12	written application to the bureau within twenty (20) days after the



1	date the notice is mailed.
2	(5) Explains that the only basis for contesting the bureau's
3	determination that the practitioner is delinquent and subject to an
4	order placing the practitioner on probationary status is a mistake
5	of fact.
6	(6) Explains the procedures to:
7	(A) pay the practitioner's child support arrearage in full;
8	(B) establish a payment plan with the bureau to pay the
9	arrearage, which must include an income withholding order
10	under IC 31-16-15-2 or IC 31-16-15-2.5; and
11	(C) request the activation of an income withholding order
12	under IC 31-16-15-2; and
13	(D) (C) request a hearing under IC 31-25-4-33.
14	(7) Explains that the probation will terminate ten (10) business
15	days after the board receives a notice from the bureau that the
16	practitioner has:
17	(A) paid the practitioner's child support arrearage in full; or
18	(B) established a payment plan with the bureau to pay the
19	arrearage, and requested the activation of which includes an
20	income withholding order under IC 31-16-15-2 or
21	IC 31-16-15-2.5.
22	(b) If the board is advised by the bureau that the practitioner either
23	requested a hearing and failed to appear or appeared and was found to
24	be delinquent, the board shall promptly mail a notice to the practitioner
25	who is the subject of the order stating the following:
26	(1) That the practitioner's license has been placed on probationary
27	status, beginning five (5) business days after the date the notice
28	is mailed, and that the probation will terminate ten (10) business
29	days after the board receives a notice from the bureau that the
30	person has:
31	(A) paid the person's child support arrearage in full; or
32	(B) established a payment plan with the bureau to pay the
33	arrearage, and requested the activation of which includes an
34	income withholding order under IC 31-16-15-2 or
35	IC 31-16-15-2.5.
36	(2) That if the board is advised by the bureau that the practitioner
37	whose license has been placed on probationary status has failed
38	to:
39	(A) pay the person's child support arrearage in full; or
40	(B) establish a payment plan with the bureau to pay the
41	arrearage, and request the activation of which includes an
12	income withholding order under IC 31-16-15-2 or



1	IC 31-16-15-2.5;
2	within twenty (20) days after the date the notice is mailed, the
3	board shall suspend the practitioner's license.
4	(c) If the board is advised by the bureau that the practitioner whose
5	license has been placed on probationary status has failed to:
6	(1) pay the person's child support arrearage in full; or
7	(2) establish a payment plan with the bureau to pay the arrearage,
8	and request the activation of which includes an income
9	withholding order under IC 31-16-15-2 or IC 31-16-15-2.5;
10	within twenty (20) days after the date the notice is mailed, the board
11	shall suspend the practitioner's license.
12	(d) The board may not reinstate a license or permit placed on
13	probation or suspended under this section until the board receives a
14	notice from the bureau that the person has:
15	(1) paid the person's child support arrearage in full; or
16	(2) established a payment plan with the bureau to pay the
17	arrearage, and requested the activation of which includes an
18	income withholding order under IC 31-16-15-2 or
19	IC 31-16-15-2.5.
20	SECTION 6. IC 27-1-15.6-29, AS AMENDED BY P.L.145-2006,
21	SECTION 164, IS AMENDED TO READ AS FOLLOWS
22	[EFFECTIVE JULY 1, 2007]: Sec. 29. (a) Upon receiving an order
23	from the bureau (Title IV-D agency) under IC 31-25-4-32(i), the
24	commissioner shall send to the person who is the subject of the order
25	a notice that does the following:
26	(1) States that the person is delinquent and is subject to an order
27	placing the person on probationary status.
28	(2) Explains that unless the person contacts the bureau and:
29	(A) pays the person's child support arrearage in full;
30	(B) requests the activation of an income withholding order
31	under IC 31-16-15-2 and establishes a payment plan with the
32	bureau to pay the arrearage, which must include an income
33	withholding order under IC 31-16-15-2 or IC 31-16-15-2.5;
34	or
35	(C) requests a hearing under IC 31-25-4-33;
36	within twenty (20) days after the date the notice is mailed, the
37	commissioner shall place the person on probationary status with
38	respect to a license issued to the person under this chapter.
39	(3) Explains that the person may contest the bureau's
40	determination that the person is delinquent and subject to an order
41	placing the person on probationary status by making written

application to the bureau within twenty (20) days after the date



1	the notice is mailed.
2	(4) Explains that the only basis for contesting the bureau's
3	determination that the person is delinquent and subject to an order
4	placing the person on probationary status is a mistake of fact.
5	(5) Explains the procedures to:
6	(A) pay the person's child support arrearage in full;
7	(B) establish a payment plan with the bureau to pay the
8	arrearage, which must include an income withholding order
9	under IC 31-16-15-2 or IC 31-16-15-2.5; and
10	(C) request the activation of an income withholding order
11	under IC 31-16-15-2; and
12	(D) (C) request a hearing under IC 31-25-4-33.
13	(6) Explains that the probation will terminate ten (10) business
14	days after the commissioner receives a notice from the bureau that
15	the person has:
16	(A) paid the person's child support arrearage in full; or
17	(B) established a payment plan with the bureau to pay the
18	arrearage, and requested the activation of which includes an
19	income withholding order under IC 31-16-15-2 or
20	IC 31-16-15-2.5.
21	(b) Upon receiving an order from the bureau (Title IV-D agency)
22	under IC 31-25-4-34(d), the commissioner shall send a notice to the
23	person who is the subject of the order stating the following:
24	(1) That a license issued to the person under this chapter has been
25	placed on probationary status, beginning five (5) business days
26	after the date the notice was mailed, and that the probation will
27	terminate ten (10) business days after the commissioner receives
28	a notice from the bureau that the person has:
29	(A) paid the person's child support arrearage in full; or
30	(B) established a payment plan with the bureau to pay the
31	arrearage, and requested the activation of which includes an
32	income withholding order under IC 31-16-15-2 or
33	IC 31-16-15-2.5.
34	(2) That if the commissioner is advised by the bureau that the
35	person whose license has been placed on probationary status has
36	failed to:
37	(A) pay the person's child support arrearage in full; or
38	(B) establish a payment plan with the bureau to pay the
39	arrearage, and request the activation of which includes an
40 4.1	income withholding order under IC 31-16-15-2 or
41 12	IC 31-16-15-2.5;
12	within twenty (20) days after the date the notice is mailed



1	annoniarian ang ballanan and dha managala lianna	
1	commissioner shall suspend the person's license.	
2	(c) If the commissioner receives a notice by the bureau (Title IV-D	
3	agency) under IC 31-25-4-32(i) that the person whose license has been	
4	placed on probationary status has failed to:	
5	(1) pay the person's child support arrearage in full; or	
6	(2) establish a payment plan with the bureau to pay the arrearage,	
7	and request the activation of which includes an income	
8	withholding order under IC 31-16-15-2 or IC 31-16-15-2.5;	
9	within twenty (20) days after the notice required under subsection (b)	4
10	is mailed, the commissioner shall suspend the person's license.	
11	(d) The commissioner may not reinstate any license placed on	
12	probation or suspended under this section until the commissioner	
13	receives a notice from the bureau that the person has:	
14	(1) paid the person's child support arrearage in full; or	
15 16	(2) established a payment plan with the bureau to pay the	4
	arrearage, and requested the activation of which includes an	
17	income withholding order under IC 31-16-15-2 or	
18 19	IC 31-16-15-2.5. SECTION 7. IC 27-10-3-20, AS AMENDED BY P.L.145-2006,	
	SECTION 7. IC 27-10-3-20, AS AMENDED BY F.L.143-2000, SECTION 167, IS AMENDED TO READ AS FOLLOWS	
20 21	[EFFECTIVE JULY 1, 2007]: Sec. 20. (a) Upon receiving an order	
22	from the bureau (Title IV-D agency) under IC 31-25-4-32(i), the	
23	commissioner shall send to the person who is the subject of the order	
24	a notice that does the following:	
25	(1) States that the person is delinquent and is subject to an order	
26	placing the person on probationary status.	
27	(2) Explains that unless the person contacts the bureau and:	
28	(A) pays the person's child support arrearage in full;	
29	(B) requests the activation of an income withholding order	
30	under IC 31-16-15-2 and establishes a payment plan with the	
31	bureau to pay the arrearage, which must include an income	
32	withholding order under IC 31-16-15-2 or IC 31-16-15-2.5;	
33		
34	or (C) requests a hearing under IC 31-25-4-33;	
35	within twenty (20) days after the date the notice is mailed, the	
36	commissioner shall place the person on probationary status with	
37	respect to any license issued to the person under this chapter.	
38	(3) Explains that the person may contest the bureau's	
	• • • •	
39	determination that the person is delinquent and subject to an order	
40	placing the person on probationary status by making written	
41	application to the bureau within twenty (20) days after the date	
42	the notice is mailed.	



1	(4) Explains that the only basis for contesting the bureau's	
2	determination that the person is delinquent and subject to an order	
3	placing the person on probationary status is a mistake of fact.	
4	(5) Explains the procedures to:	
5	(A) pay the person's child support arrearage in full;	
6	(B) establish a payment plan with the bureau to pay the	
7	arrearage, which must include an income withholding order	
8	under IC 31-16-15-2 or IC 31-16-15-2.5; and	
9	(C) request the activation of an income withholding order	_
10	under IC 31-16-15-2; and	4
11	(D) (C) request a hearing under IC 31-25-4-33.	
12	(6) Explains that the probation will terminate ten (10) business	
13	days after the commissioner receives a notice from the bureau that	
14	the person has:	
15	(A) paid the person's child support arrearage in full; or	_
16	(B) established a payment plan with the bureau to pay the	
17	arrearage, and requested the activation of which includes an	•
18	income withholding order under IC 31-16-15-2 or	
19	IC 31-16-15-2.5.	
20	(b) Upon receiving an order from the bureau (Title IV-D agency)	
21	under IC 31-25-4-34(d), the commissioner shall send to the person who	
22	is the subject of the order a notice that states the following:	
23	(1) That a license issued to the person under this chapter has been	
24	placed on probationary status, beginning five (5) business days	
25	after the date the notice is mailed, and that the probation will	
26	terminate ten (10) business days after the commissioner receives	
27	a notice from the bureau that the person has:	1
28	(A) paid the person's child support arrearage in full; or	
29	(B) established a payment plan with the bureau to pay the	
30	arrearage, and requested the activation of which includes an	
31	income withholding order under IC 31-16-15-2 or	
32	IC 31-16-15-2.5.	
33	(2) That if the commissioner is advised by the bureau that the	
34	person whose license has been placed on probationary status has	
35	failed to:	
36	(A) pay the person's child support arrearage in full; or	
37	(B) establish a payment plan with the bureau to pay the	
38	arrearage, and request the activation of which includes an	
39	income withholding order under IC 31-16-15-2 or	
10	IC 31-16-15-2.5;	
41	within twenty (20) days after the date the notice is mailed, the	
12.	commissioner shall suspend the person's license.	



1	(c) If the commissioner receives a notice from the bureau (Title
2	IV-D agency) under IC 31-25-4-32(i) that the person whose license has
3	been placed on probationary status has failed to:
4	(1) pay the person's child support arrearage in full; or
5	(2) establish a payment plan with the bureau to pay the arrearage,
6	and request the activation of which includes an income
7	withholding order under IC 31-16-15-2 or IC 31-16-15-2.5;
8	within twenty (20) days after the notice required under subsection (b)
9	is mailed, the commissioner shall suspend the person's license.
.0	(d) The commissioner may not reinstate any license placed on
1	probation or suspended under this section until the commissioner
2	receives a notice from the bureau that the person has:
3	(1) paid the person's child support arrearage in full; or
4	(2) established a payment plan with the bureau to pay the
5	arrearage, and requested the activation of which includes an
6	income withholding order under IC 31-16-15-2 or
7	IC 31-16-15-2.5.
8	SECTION 8. IC 31-9-2-10.8, AS ADDED BY P.L.145-2006,
9	SECTION 176, IS AMENDED TO READ AS FOLLOWS
20	[EFFECTIVE JULY 1, 2007]: Sec. 10.8. "Bureau", for purposes of
21	IC 31-16-15 and IC 31-25 has the meaning set forth in IC 31-25-4-1.
22	SECTION 9. IC 31-9-2-66.5 IS ADDED TO THE INDIANA CODE
23	AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
24	1, 2007]: Sec. 66.5. "Joint account", for purposes of IC 31-25-4,
25	means an account (as defined in IC 31-25-4-3(a)) that is held jointly
26	by at least two (2) persons.
27	SECTION 10. IC 31-9-2-66.7 IS ADDED TO THE INDIANA
28	CODE AS A NEW SECTION TO READ AS FOLLOWS
29	[EFFECTIVE JULY 1, 2007]: Sec. 66.7. "Joint account holder", for
30	purposes of IC 31-25-4, means a person who holds property with
31	at least one (1) other person in a joint account (as defined in section
32	66.5 of this chapter).
3	SECTION 11. IC 31-9-2-85 IS AMENDED TO READ AS
54 55	FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 85. (a) "Obligee", for
66	purposes of IC 31-16-15 and IC 31-16-16, means a person who is
57	entitled to receive a payment under a support order. (b) "Obligee" or "petitioner", for purposes of the Uniform Interstate
88	Family Support Act under IC 31-18, has the meaning set forth in
9	IC 31-18-1-14.
10	SECTION 12. IC 31-9-2-125 IS AMENDED TO READ AS
1	FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 125. (a) "Support
12	order" for nurposes of IC 31-16-15 and IC 31-16-16 means any



1	judgment, decree, or order of child support, including medical
2	support, issued by a court, in Indiana or another state, that has
3	jurisdiction over the support order. The term includes orders issued
4	under IC 31-14 through IC 31-17.
5	(b) "Support order", for purposes of the Uniform Interstate Family
6	Support Act under IC 31-18, has the meaning set forth in
7	IC 31-18-1-24.
8	SECTION 13. IC 31-9-2-130.2 IS ADDED TO THE INDIANA
9	CODE AS A NEW SECTION TO READ AS FOLLOWS
10	[EFFECTIVE JULY 1, 2007]: Sec. 130.2. "Title IV-D case", for
11	purposes of IC 31-16-15, means a case arising under Title IV-D of
12	the federal Social Security Act (42 U.S.C. 651 through 669).
13	SECTION 14. IC 31-14-12-2 IS AMENDED TO READ AS
14	FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. Upon application for
15	enforcement of a support order, the court may:
16	(1) enforce a judgment created under IC 31-16-16-2 (or
17	IC 31-2-11-8 before its repeal) for the unpaid amount;
18	(2) issue an income withholding order as provided in
19	IC 31-16-15-1; IC 31-16-15-0.5 ; or
20	(3) activate implement an existing income withholding order as
21	provided in IC 31-16-15-5 or IC 31-16-15-6. IC 31-16-15-2.
22	SECTION 15. IC 31-14-12-9 IS AMENDED TO READ AS
23	FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. Notwithstanding
24	section 4, 5, 6, or 7 of this chapter, the court may stay issuance of an
25	order under section 4, 5, 6, or 7 of this chapter (or IC 31-6-6.1-16(j),
26	IC 31-6-6.1-16(k), IC 31-6-6.1-16(l), or IC 31-6-6.1-16(m) before the
27	repeal of IC 31-6-6.1-16) if:
28	(1) the person pays the child support arrearage in full; or
29	(2) an income withholding order under IC 31-16-15 (or
30	IC 31-2-10 before its repeal) is activated implemented and a
31	payment plan to pay the arrearage is established.
32	SECTION 16. IC 31-16-6-4 IS AMENDED TO READ AS
33	FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. (a) A child support
34	order may also must include where appropriate, basic health and
35	hospitalization insurance coverage for the child. an order for medical
36	support to be provided by either or both parents.
37	(b) If, however, the Title IV-D agency initiates action to establish a
38	support obligation and petitions the court to include basic health and
39	hospitalization insurance coverage in the support order, the court shall
40	include a provision addressing insurance coverage for the child.
41	(c) In an action initiated by the Title IV-D agency or other parties,
42	the court may order the parent who is ordered to pay child support to



1	provide the insurance coverage for the child if the insurance coverage:
2	(1) is available to the parent ordered to pay child support or the
3	dependents of the parent as part of the parent's employee benefit
4	plan; or
5	(2) is available at reasonable cost to the parent ordered to pay
6	child support.
7	(b) An order for medical support under this section shall be
8	enforced under 42 U.S.C. 666(a)(19).
9	SECTION 17. IC 31-16-8-1 IS AMENDED TO READ AS
10	FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) Provisions of an
11	order with respect to child support or an order for maintenance
12	(ordered under IC 31-16-7-1 or IC 31-1-11.5-9(c) before its their
13	repeal) may be modified or revoked.
14	(b) Except as provided in section 2 of this chapter, modification
15	may be made only:
16	(1) upon a showing of changed circumstances so substantial and
17	continuing as to make the terms unreasonable; or
18	(2) upon a showing that:
19	(A) a party has been ordered to pay an amount in child support
20	that differs by more than twenty percent (20%) from the
21	amount that would be ordered by applying the child support
22	guidelines; and
23	(B) the order requested to be modified or revoked was issued
24	at least twelve (12) months before the petition requesting
25	modification was filed.
26	(c) Modification under this section is subject to
27	IC 31-25-4-17(a)(6).
28	SECTION 18. IC 31-16-12-4 IS AMENDED TO READ AS
29	FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. Upon application to
30	the court for enforcement of an order for support, the court may:
31	(1) enforce a judgment created under IC 31-16-16-2 (or
32	IC 31-2-11-8 before its repeal) against the person obligated to pay
33	support;
34	(2) issue an income withholding order as provided in
35	IC 31-16-15-1; IC 31-16-15-0.5 ; or
36	(3) activate implement an income withholding order as provided
37	in IC 31-16-15-5 or IC 31-16-15-6. IC 31-16-15-2.
38	SECTION 19. IC 31-16-12-11 IS AMENDED TO READ AS
39	FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 11. Notwithstanding
40	section 7, 8, 9, or 10 of this chapter, the court may stay the issuance of
41	an order under section 7, 8, 9, or 10 of this chapter (or
42	IC 31-1-11.5-13(j), IC 31-1-11.5-13(k), IC 31-1-11.5-13(l), or



1	IC 31-1-11.5-13(m) before the repeal of IC 31-1-11.5-13) if:
2	(1) the person pays the child support arrearage in full; or
3	(2) an income withholding order under IC 31-16-15 (or
4	IC 31-2-10 before its repeal) is activated implemented and a
5	payment plan to pay the arrearage is established.
6	SECTION 20. IC 31-16-15-0.5 IS ADDED TO THE INDIANA
7	CODE AS A NEW SECTION TO READ AS FOLLOWS
8	[EFFECTIVE JULY 1, 2007]: Sec. 0.5. (a) Except as provided in
9	subsection (c), in any proceeding in which a court has ordered,
10	modified, or enforced periodic payments of child support, the court
11	shall order that child support payments be immediately withheld
12	from the income of the obligor in an amount necessary to comply
13	with the support order, including amounts for current child
14	support obligations, child support arrearage, medical support,
15	interest, and fees.
16	(b) Except as provided in subsection (c), a court or Title IV-D
17	agency shall implement an order for immediate income
18	withholding under subsection (a):
19	(1) if the address of the obligor's income payor is known, not
20	more than fifteen (15) calendar days after the date of the
21	issuance of a support order; or
22	(2) if the address of the obligor's income payor is not known,
23	not more than fifteen (15) calendar days after the date the
24	address of the obligor's income payor becomes known.
25	(c) A court may stay implementation of an income withholding
26	order only if one (1) or more of the following occurs:
27	(1) One (1) of the parties demonstrates and the court finds
28	good cause not to order immediate income withholding by
29	finding all of the following:
30	(A) A stay of implementation of the income withholding
31	order is in the best interests of the child.
32	(B) The obligor has a history of substantially
33	uninterrupted, full, and timely child support payments,
34	other than payments made through an income withholding
35	order or another mandatory process of previously ordered
36	child support, during the previous twelve (12) months.
37	(C) The court finds by clear and convincing evidence that
38	an income withholding order would cause an
39	extraordinary hardship on the obligor.
40	(2) The parties submit a written agreement that:
41	(A) meets the requirements under subsection (d); and
42	(B) is approved by the court.



1	(d) A written agreement described in subsection (c)(2) must	
2	meet the following requirements:	
3	(1) Contain the following:	
4	(A) A statement that an income withholding order is not	
5	implemented immediately but that an income withholding	
6	order will be implemented if the:	
7	(i) obligor's child support and arrearage payments	
8	become delinquent; or	
9	(ii) obligor requests implementation of the income	
10	withholding order.	4
11	(B) A detailed description of an alternative payment	
12	arrangement between the parties to ensure the timely	
13	payment of child support.	
14	(2) Contain a provision that the obligor shall provide current	
15	information to the court concerning the following:	
16	(A) The name, address, and telephone number of the	4
17	obligor's place of employment.	
18	(B) Any health coverage available to the obligor as a	`
19	benefit of employment or maintained by the obligor,	
20	including information on the:	
21	(i) name of the carrier (as defined in IC 27-8-10-1);	
22	(ii) health insurance policy, certificate, or contract	
23	number; and	
24	(iii) if applicable, names and birthdates of the persons	
25	for whose benefit the obligor maintains health coverage	
26	under the health insurance policy, certificate, or	
27	contract.	1
28	(3) If the case is a Title IV-D case:	
29	(A) the Title IV-D agency must agree to the stay of	
30	implementation of the income withholding order; and	
31	(B) an agent of the Title IV-D agency must sign the written	
32	agreement.	
33	(e) If possible, the court shall specify the date on which a stay of	
34	implementation of the income withholding order terminates	
35	automatically.	
36	(f) In Title IV-D cases in which periodic payments of child	
37	support are ordered, modified, or enforced, the court shall order	
38	the obligor to inform the Title IV-D agency of the:	
39	(1) name and address of the obligor's current income payor;	
40	(2) obligor's access to health insurance coverage; and	
41	(3) if applicable, obligor's health insurance policy	
42	information.	



1	SECTION 21. IC 31-16-15-2 IS AMENDED TO READ AS
2	FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. A court acting under
3	section 1(d)(1) or 1(d)(2) of this chapter shall activate the immediate
4	income withholding order under section 5 or 6 of this chapter shall lift
5	a stay of implementation of an income withholding order granted
6	under section 0.5(c) of this chapter upon occurrence of either one (1)
7	or more of the following:
8	(1) The obligor's support payment becomes delinquent.
9	(2) The obligor requests that the withholding order become
0	activated. implementation of the income withholding order.
1	SECTION 22. IC 31-16-15-2.5 IS ADDED TO THE INDIANA
2	CODE AS A NEW SECTION TO READ AS FOLLOWS
.3	[EFFECTIVE JULY 1, 2007]: Sec. 2.5. (a) If, in a Title IV-D case, an
4	income withholding order has not been issued with a support order
.5	under section 0.5 of this chapter, a Title IV-D agency may:
6	(1) issue an income withholding order with the support order;
7	and
8	(2) after providing notice under section 3.5 of this chapter,
9	implement the income withholding order unless the court:
20	(A) stays the implementation of the income withholding
21	order under section 0.5(c) of this chapter; and
22	(B) provides a written finding of the stay in the support
23	order.
24	(b) In a Title IV-D case in which the implementation of an
25	income withholding order was stayed under section 0.5(c) of this
26	chapter, the Title IV-D agency may:
27	(1) after providing notice under section 3.5 of this chapter, lift
28	the stay if the obligor's child support and arrearage payments
29	are delinquent; or
0	(2) lift the stay if the obligor requests implementation of the
1	income withholding order.
32	(c) In a Title IV-D case, if:
3	(1) an income withholding order was stayed under section
4	0.5(c) of this chapter; and
55	(2) an obligor requests the implementation of the income
56	withholding order;
57	the Title IV-D agency is not required to give notice under section
8	3.5 of this chapter before implementing the income withholding
19	order.
10	(d) An income withholding order issued under subsection (a):
1	(1) has the same force and effect; and
-2	(2) is enforceable in the same manner;



1	as an income withholding order issued by a court.	
2	(e) The total amount required to be withheld under an income	
3	withholding order implemented under this section is the sum of:	
4	(1) the obligor's current child support obligation; plus	
5	(2) the amount of arrearage payment ordered by the court;	
6	plus	
7	(3) subject to subsection (f), an amount for:	
8	(A) any arrearage that has not been adjudicated, if no	
9	arrearage has been adjudicated previously; or	
10	(B) any additional arrearage that:	
11	(i) has not been adjudicated; and	
12	(ii) accrues since the last adjudication of arrearage by	
13	the court.	
14	(f) The amount under subsection (e)(3) may not exceed the	
15	greater of:	
16	(1) twenty percent (20%) of the court ordered total of child	
17	support and arrearage; or	
18	(2) an amount sufficient to discharge the total arrearage in	
19	not more than three (3) years.	
20	SECTION 23. IC 31-16-15-2.6 IS ADDED TO THE INDIANA	
21	CODE AS A NEW SECTION TO READ AS FOLLOWS	
22	[EFFECTIVE JULY 1, 2007]: Sec. 2.6. An income withholding order	
23	issued under this chapter remains in effect until a child support	
24	obligation, including current child support, child support	
25	arrearage, medical support, interest, and fees, is paid in full.	
26	SECTION 24. IC 31-16-15-2.7 IS ADDED TO THE INDIANA	
27	CODE AS A NEW SECTION TO READ AS FOLLOWS	
28	[EFFECTIVE JULY 1, 2007]: Sec. 2.7. (a) The bureau shall:	W
29	(1) prescribe standard forms for:	
30	(A) an income withholding order; and	
31	(B) a notice form; and	
32	(2) make the forms listed in subdivision (1) available to:	
33	(A) a court;	
34	(B) a private attorney;	
35	(C) an obligor; and	
36	(D) an obligee.	
37	(b) An income withholding order under this chapter must be	
38	issued in a form substantially similar to the form prescribed under	
39	subsection (a)(1)(A).	
40	SECTION 25. IC 31-16-15-3.5 IS ADDED TO THE INDIANA	
41	CODE AS A NEW SECTION TO READ AS FOLLOWS	
42	[EFFECTIVE JULY 1, 2007]: Sec. 3.5. (a) Except as provided under	



1	section 2.5(c) of this chapter, a Title IV-D agency shall issue a	
2	notice of intent to withhold income to an obligor before the Title	
3	IV-D agency implements an income withholding order under	
4	section 2.5 of this chapter. The notice is sufficient for all future	
5	income withholding until the child support obligation is fully	
6	satisfied.	
7	(b) The notice under subsection (a) must contain the following:	
8	(1) A statement that an income withholding order will be sent	
9	to all current and future income payors.	_
0	(2) If applicable, the amount of child support that the obligor	4
1	is in arrears.	
2	(3) A statement that the income shall be:	
.3	(A) withheld by a current and future income payor from	
4	the obligor's income for the payment of child support; and	
5	(B) forwarded to the state central collection unit with a	
6	statement identifying the:	
7	(i) cause number for the obligee;	
8	(ii) name of the obligor;	
9	(iii) name of the obligee with the applicable income	
20	withheld for each obligee forwarded from the income	
21	payor;	_
22	(iv) Social Security number of each obligee; and	
23	(v) Indiana support enforcement tracking system	
24	(ISETS) number for each obligee.	
25	(4) A statement that the total amount of income to be withheld	
26	by the Title IV-D agency under the income withholding order	
27	is the sum of:	
28	(A) the obligor's current child support obligation; plus	\
29	(B) the amount of any arrearage payment ordered by the	
0	court; plus	
31	(C) subject to section 2.5(f) of this chapter, an amount for:	
32	(i) any arrearage that has not been adjudicated, if no	
3	arrearage has been adjudicated previously; or	
54	(ii) any additional arrearage that has not been	
55	adjudicated and accrues since the last adjudication of	
6	arrearage by the court; plus	
57	(D) a fee of two dollars (\$2), which must be paid at the	
8	income payor's option to the income payor each time the	
9	income payor forwards income to the state central	
10	collection unit.	
1	(5) A statement that:	
12	(A) the total amount withheld under the income	



1	withholding order may not exceed the maximum amount	
2	permitted under 15 U.S.C. 1673(b);	
3	(B) the income withholding order applies to the receipt of	
4	any current or subsequent income from a current or future	
5	income payor;	
6	(C) the obligor may contest the Title IV-D agency's	
7	determination to implement an income withholding order	
8	by making written application to the Title IV-D agency not	
9	more than twenty (20) days after the date the notice under	
.0	this section is mailed to the obligor;	
.1	(D) the only basis for contesting the implementation of an	
. 2	income withholding order is a mistake of fact;	
.3	(E) if the obligor contests the Title IV-D agency's	
.4	determination to implement the income withholding order,	
.5	the Title IV-D agency shall schedule an administrative	
. 6	hearing;	
. 7	(F) if the obligor does not contest the Title IV-D agency's	
. 8	determination to implement an income withholding order	
9	within the period of time required under section 4.3 of this	
20	chapter, the Title IV-D agency shall implement the income	
21	withholding order;	= 4
22	(G) an income payor shall:	
23	(i) begin withholding income not later than the first pay	
24	date after fourteen (14) days following the date the	
2.5	income withholding order is received by the income	
26	payor; and	
27	(ii) report to the state central collection unit the date on	
28	which the income was withheld from the obligor's	V
29	income;	
30	(H) if an income payor is required to withhold income	
51	from more than one (1) obligor, the income payor may	
32	combine the witheld amount of income into a single	
33	payment for all obligors who are required to make	
34	payments to the state central collection unit if the income	
55	payor identifies the part of the single payment that is	
66	attributable to each individual obligor;	
57	(I) if the obligor has:	
8	(i) more than one (1) income withholding order against	
39	the obligor; and	
10	(ii) insufficient disposable earnings to pay the amount of	
1	income withholding for all income withholding orders;	
12	an income payor shall distribute the withheld income pro	



1	rata among the persons entitled to receive income under	
2	the income withholding orders, giving priority to a current	
3	income withholding order;	
4	(J) an income payor shall honor all withholdings to the	
5	extent that the total amount withheld does not exceed	
6	limits imposed under 15 U.S.C. 1673(b);	
7	(K) the income withholding order is binding upon the	
8	income payor until further notice by the Title IV-D	
9	agency;	
10	(L) an income payor that:	
11	(i) discharges the obligor from employment;	
12	(ii) refuses to employ the obligor;	
13	(iii) takes disciplinary action against the obligor	
14	employed by the income payor; or	
15	(iv) otherwise discriminates against the obligor;	
16	because of the existence of an income withholding order or	
17	the obligations imposed upon the income payor by the	
18	income withholding order is subject to a penalty not to	
19	exceed five thousand dollars (\$5,000) payable to the state	
20	and recoverable in a civil action;	
21	(M) if an income payor fails to withhold income in	
22	accordance with the income withholding order, the income	
23	payor is liable for:	
24	(i) the accumulated amount the income payor should	
25	have withheld from the obligor's income; and	
26	(ii) any interest, attorney's fees, and costs;	
27	(N) an income withholding order under this chapter has	
28	priority over any secured or unsecured claim on income,	
29	except for claims for federal, state, and local taxes; and	
30	(O) the income payor must notify the Title IV-D agency if	
31	the obligor:	
32	(i) ceases employment with; or	
33	(ii) no longer receives income from;	
34	the income payor, not later than ten (10) days after the	
35	date the obligor's employment or income ceases, and	
36	provide the obligor's last known address and the name and	
37	address of the obligor's new income payor, if known, to the	
38	Title IV-D agency;	
39	(c) If the Title IV-D agency issues a notice of intent to withhold	
40	income to the obligor under this section, the Title IV-D agency is	
41	not required to provide further notice to continue to implement or	
42	amend the income withholding order unless the income	



1	withholding order is stayed by the court under section 0.5(c) of this
2	chapter.
3	SECTION 26. IC 31-16-15-4.3 IS ADDED TO THE INDIANA
4	CODE AS A NEW SECTION TO READ AS FOLLOWS
5	[EFFECTIVE JULY 1, 2007]: Sec. 4.3. (a) An obligor may contest a
6	Title IV-D agency's determination to implement an income
7	withholding order under section 2.5 of this chapter by making a
8	written application to the Title IV-D agency not more than twenty
9	(20) days after the date the notice is mailed to the obligor.
0	(b) The only basis on which an obligor may contest the
1	implementation of an income withholding order under section 2.5
2	of this chapter is mistake of fact.
3	(c) If an obligor does not contest the implementation of an
4	income withholding order within the period described in subsection
.5	(a), the Title IV-D agency shall send the income withholding order
6	to the income payor not more than fifteen (15) calendar days after:
7	(1) the last date that the obligor has to contest the
8	implementation of an income withholding order under
9	subsection (a); or
20	(2) if the income payor's address is not known on the date
1	described under subdivision (1), the date the Title IV-D
.2	agency obtains the income payor's address.
23	(d) A Title IV-D agency shall:
4	(1) not more than twenty-five (25) days after an obligor makes
5	written application to contest an income withholding order
6	under subsection (a), hold a hearing to review the Title IV-D
7	agency's determination to implement the income withholding
8	order; and
9	(2) make a determination on the implementation of the
0	income withholding order at the hearing.
1	(e) If the Title IV-D agency implements an income withholding
2	order after a hearing under this section, the Title IV-D agency shall
3	provide the income withholding order to each income payor as
4	provided under section 6.5 of this chapter.
5	SECTION 27. IC 31-16-15-4.5, AS AMENDED BY P.L.145-2006,
6	SECTION 239, IS AMENDED TO READ AS FOLLOWS
57	[EFFECTIVE JULY 1, 2007]: Sec. 4.5. (a) The child support bureau
88	of the department shall send notice to an employer, using the National
10	Medical Support Notice described in 45 CFR 303.3, that:
10	(1) a parent ordered to pay support has been ordered to provide
11	insurance coverage as part of the parent's employee benefit plan



under IC 31-16-6-4; or

1	(2) an obligation to provide insurance coverage under subdivision	
2	(1) is no longer in effect.	
3	(b) Upon receipt of the notice under subsection (a), the employer	
4	shall:	
5	(1) respond to the notice in a timely fashion; and	
6	(2) abide by the terms of establishing insurance coverage as	
7	required by the notice.	
8	SECTION 28. IC 31-16-15-5.5 IS ADDED TO THE INDIANA	
9	CODE AS A NEW SECTION TO READ AS FOLLOWS	
10	[EFFECTIVE JULY 1, 2007]: Sec. 5.5. (a) An obligor or an obligee	
11	may file a petition to lift a stay of implementation of an income	
12	withholding order.	
13	(b) If an obligee files a petition under subsection (a), the court	
14	shall:	
15	(1) set a date for a hearing on the petition; and	_
16	(2) send a written notice of the hearing to lift the stay of	
17	implementation of the income withholding order to the	
18	obligor in accordance with subsection (c).	
19	The court must set a date for the hearing that is not more than	
20	twenty (20) days after the date the petition is filed.	
21	(c) The notice under subsection (b)(2) must include the	
22	following:	
23	(1) A statement as to whether the obligor is delinquent in the	
24	payment of child support.	_
25	(2) If applicable, the amount of child support the obligor is in	
26	arrears.	_
27	(3) A statement that if the petition is granted, the obligor's	
28	income shall be:	, Y
29	(A) withheld by the court for the payment of child support;	
30	and	
31	(B) forwarded to the state central collection unit with a	
32	statement identifying:	
33 34	(i) the cause number for each obligee;	
	(ii) the name of each obligor;	
35	(iii) the name of each obligee with the amount of the withheld income forwarded by the income payor;	
36 37	(iv) the Social Security number of each obligor; and	
38	(v) the Indiana support enforcement tracking system	
39	(ISETS) number for each obligee.	
40	(4) The following statements:	
41	(A) That the total amount of income to be withheld under	
42	an income withholding order from the obligor's income is	
	an income withholding order from the obligor 5 income is	



1	the sum of:
2	(i) the obligor's current child support obligation; plus
3	(ii) the amount of arrearage payment ordered by the
4	court; plus
5	(iii) a fee of two dollars (\$2), which must be paid at the
6	income payor's option to the income payor each time the
7	income payor forwards income to the state central
8	collection unit.
9	(B) That the total amount of income withheld may not
10	exceed the maximum amount permitted by 15 U.S.C.
11	1673(b).
12	(C) That the income withholding order applies to the
13	receipt of any current or subsequent income.
14	(D) That the only basis for contesting the petition to lift the
15	stay of implementation of the income withholding order is
16	a mistake of fact.
17	(E) That an obligor may contest the court's lifting the stay
18	of the income withholding order by appearing at the
19	hearing scheduled by the court on the petition to lift the
20	stay.
21	(F) That if the obligor does not appear at the hearing, the
22	court shall implement the income withholding order.
23	(G) That an income payor shall:
24	(i) begin withholding income not later than the first pay
25	date after fourteen (14) days following the date the
26	income withholding order is received by the income
27	payor; and
28	(ii) report to the state central collection unit the date on
29	which the income was withheld from the obligor's
30	income.
31	(H) That if an income payor is required to withhold income
32	from more than one (1) obligor, the income payor may
33	combine the withheld amount of income into a single
34	payment for all obligors who are required to make
35	payments to the state central collection unit if the income
36	payor identifies the part of the single payment that is
37	attributable to each individual obligor.
38	(I) That if an obligor has:
39	(i) more than one (1) income withholding order against
40	the obligor; and
41	(ii) insufficient disposable earnings to pay the amount of
42	income withholding for all income withholding orders;



1	the income payor shall distribute the withheld income pro	
2	rata among the persons entitled to receive income under	
3	the income withholding orders, giving priority to a current	
4	income withholding order.	
5	(J) That an income payor shall honor all withholding to the	
6	extent that the total amount withheld does not exceed	
7	limits imposed under 15 U.S.C. 1673(b).	
8	(K) That the income withholding is binding upon the	
9	income payor until further notice by the court.	
10	(L) That an income payor that:	
11	(i) discharges the obligor from employment;	
12	(ii) refuses to employ the obligor;	
13	(iii) takes disciplinary action against the obligor	
14	employed by the income payor; or	
15	(iv) otherwise discriminates against the obligor;	
16	because of the existence of an income withholding order or	
17	the obligations imposed upon the income payor by the	
18	income withholding order, is subject to a penalty not to	
19	exceed five thousand dollars (\$5,000) payable to the state	
20	and recoverable in a civil action.	
21	(M) That if the income payor fails to withhold income in	
22	accordance with the income withholding order, the income	
23	payor is liable for:	
24	(i) the accumulated amount the income payor should	-
25	have withheld from the obligor's income; and	
26	(ii) any interest, attorney's fees, and costs.	
27	(N) That an income withholding order under this chapter	
28	has priority over any secured or unsecured claim on	V
29	income, except for claims for federal, state, and local taxes.	
30	(O) That the income payor must notify the court if the	
31	obligor:	
32	(i) ceases employment with; or	
33	(ii) no longer receives income from;	
34	the income payor not later than ten (10) days after the date	
35	the obligor's employment or income ceases and provide the	
36	obligor's last known address and the name and address of	
37	the obligor's new income payor, if known, to the court.	
38	(d) At a hearing under this section, the court shall grant the	
39	petition to lift the stay of implementation of the income	
40	withholding order if the obligor has failed to comply with the	
41	provisions of the support order, unless the court finds that the	
42	conditions under section $0.5(c)(2)$ of this chapter have been met.	



1	(e) If the obligor files a petition to lift the stay of implementation	
2	of the income withholding order:	
3	(1) a hearing is not required; and	
4	(2) the court shall grant the petition.	
5	(f) If the court grants the petition to lift the stay of	
6	implementation of the income withholding order, the court shall:	
7	(1) implement the income withholding order; and	
8	(2) send the income withholding order to the obligor's income	
9	payor.	
10	SECTION 29. IC 31-16-15-6.5 IS ADDED TO THE INDIANA	
11	CODE AS A NEW SECTION TO READ AS FOLLOWS	
12	[EFFECTIVE JULY 1, 2007]: Sec. 6.5. A court or Title IV-D agency	
13	may serve an income withholding order on an income payor by:	
14	(1) first class mail;	
15	(2) facsimile transmission; or	_
16	(3) other electronic means approved by the Title IV-D agency.	
17	SECTION 30. IC 31-16-15-7.5 IS ADDED TO THE INDIANA	
18	CODE AS A NEW SECTION TO READ AS FOLLOWS	
19	[EFFECTIVE JULY 1, 2007]: Sec. 7.5. (a) An income payor that is	
20	required to withhold income under this chapter shall:	
21	(1) forward income withheld for the payment of current or	
22	past due child support as directed by an income withholding	
23	order to the state central collection unit at the time that an	
24	obligor is paid;	_
25	(2) include a statement that identifies the:	
26	(A) cause number for each obligee;	
27	(B) Indiana support enforcement tracking system (ISETS)	
28	case number for each obligee;	y
29	(C) name of each obligor and the obligor's Social Security	
30	number; and	
31	(D) name of each obligee with the amount of the withheld	
32	income forwarded by the income payor; and	
33	(3) begin withholding income not later than the first pay date	
34	after fourteen (14) days following the date the order for	
35	income withholding is received by the income payor.	
36 37	(b) An income payor may retain, in addition to the amount of	
	income forwarded to the state central collection unit, a fee of not	
38	more than two dollars (\$2) each time the income payor forwards	
39 40	income to the state central collection unit. If an income payor	
40 41	retains a fee under this subsection, the income payor shall reduce the amount of income withheld for the payment of current and past	
41 42	due child support, if necessary to avoid exceeding the maximum	
+∠	due child support, if necessary to avoid exceeding the maximum	



1	amount permitted to be withheld under 15 U.S.C. 1673(b).
2	SECTION 31. IC 31-16-15-16, AS AMENDED BY P.L.148-2006,
3	SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4	JULY 1, 2007]: Sec. 16. (a) Except as provided in subsection (b), if the
5	income payor is required to withhold income from more than one (1)
6	obligor under this chapter, the income payor may
7	(1) combine in a single payment the withheld amounts for all
8	obligors who have been ordered to pay to the state central
9	collection unit established by IC 31-33-1.5-8 and IC 31-25-3-1
10	(2) if the income payor separately identifies the part of
11	the single payment that is attributable to each individual obligor.
12	(b) If the income payor:
13	(1) is required to withhold income from more than one (1) obligor
14	under this chapter; and
15	(2) employs more than fifty (50) employees;
16	the income payor shall make payments to the state central collection
17	unit established by IC 31-33-1.5-8 IC 31-25-3-1 through electronic
18	funds transfer or through electronic or Internet access made available
19	by the state central collection unit.
20	(c) The department of child services shall assess a civil penalty of
21	twenty-five dollars (\$25) per obligor per pay period against an income
22	payor that:
23	(1) is required to make a payment under subsection (b); and
24	(2) does not make the payment through electronic funds transfer
25	or other means described in subsection (b).
26	The department shall deposit the penalties into the state general fund.
27	SECTION 32. IC 31-16-15-17 IS AMENDED TO READ AS
28	FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 17. If:
29	(1) there is more than one (1) order for withholding against a
30	single obligor under this chapter; and
31	(2) the obligor has insufficient disposable earnings to pay the
32	amount required by all the orders;
33	the income payor shall distribute the withheld earnings pro rata among
34	the entities persons entitled to receive earnings under the orders and
35	shall honor all withholdings to the extent that the total amount withheld
36	does not exceed the limits imposed under 15 U.S.C. 1673(b).
37	SECTION 33. IC 31-16-15-18 IS AMENDED TO READ AS
38	FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 18. The income payor
39	shall:
40	(1) notify:
41	(A) the Title IV-D agency in a case arising under section 3 or
42	5 2.5 of this chapter; or



1	(B) the court in a case arising under section + or 6 0.5, 2, or	
2	5.5 of this chapter;	
3	when the obligor ceases to receive income not later than ten (10)	
4	days after the employment or income ceases; and	
5	(2) provide:	
6	(A) the obligor's last known address; and	
7	(B) the name and address of the obligor's new income payor if	
8	known.	
9	SECTION 34. IC 31-16-15-19 IS AMENDED TO READ AS	
10	FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 19. (a) If an obligor:	
11	(1) is entitled to net income in the form of:	
12	(A) severance pay;	
13	(B) accumulated sick pay;	
14	(C) vacation pay;	
15	(D) accumulated commissions;	
16	(E) a bonus payment in addition to regular earned income;	
17	or	
18	(F) other lump sum payment based upon employment	
19	income; and	
20	(2) owes an amount of child support that is in arrears;	
21	the income payor shall withhold the amount in arrears or the product	
22	computed under subsection (b), whichever is less, up to the maximum	
23	permitted under 15 U.S.C. 1673(b).	
24	(b) The income payor shall multiply:	_
25	(1) the amount of child support the obligor is required to pay each	
26	week; by	
27	(2) the number of weeks represented by the lump sum payment.	
28	SECTION 35. IC 31-16-15-22 IS AMENDED TO READ AS	
29	FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 22. (a) An income	
30	withholding order under section + 0.5 or 2.5 of this chapter (or	
31	IC 31-2-10-7 before its repeal) terminates when both of the following	
32	occur:	
33	(1) The duty to support a child ceases under IC 31-14 or	
34	IC 31-16-2 through IC 31-16-12.	
35	(2) No child support arrearage exists.	
36	(b) Activation of income withholding terminates A court or Title	
37	IV-D agency may terminate income withholding when the	
38	whereabouts of the child and the child's custodial parent are unknown,	
39	preventing the forwarding of child support payments.	
40	SECTION 36. IC 31-16-15-23 IS AMENDED TO READ AS	
41	FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 23. (a) If an income	
42	payor fails to forward the money required by an income withholding	



1	order, as set forth in the notice described in section 10 of this chapter,	
2	the income payor is liable for the amount the income payor fails to	
3	forward.	
4	(b) An income payor that receives an income withholding order	
5	from a court or Title IV-D agency and that fails to comply with the	
6	order is liable to the:	
7	(1) obligee for the amount of income not paid in compliance	
8	with the income withholding order, including an amount the	
9	obligor is required to pay for health insurance coverage; and	
10	(2) obligor for:	
11	(A) the amount of income withheld and not paid as	
12	required under the income withholding order;	
13	(B) an amount equal to the interest that accrues according	
14	to the interest percentage that accrues on judgments; and	
15	(C) reasonable attorney's fees and court costs.	
16	(c) An income payor that:	
17	(1) receives an income withholding order from a court or Title	
18	IV-D agency; and	
19	(2) fails to comply with the income withholding order;	
20	may be liable for contempt of court.	
21	(d) If an obligor has filed a claim for worker's compensation, the	
22	income payor of the obligor shall send a copy of the income	
23	withholding order to the income payor's insurance carrier if the	
24	income payor has an insurance carrier with whom the claim has	_
25	been filed in order to continue the ordered withholding of income.	
26	SECTION 37. IC 31-16-15-25 IS AMENDED TO READ AS	_
27	FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 25. (a) If an obligor is:	
28 29	(1) discharged from employment;	
30	(2) refused employment; or (3) disciplined;	
31	because the income payor is required to withhold income of the obligor	
32	under this chapter, the obligor is entitled to recover an amount of not	
33	less than one hundred dollars (\$100).	
34	(b) The obligor may collect the money described in subsection (a)	
35	by filing a civil action against the income payor in a circuit or superior	
36	court.	
37	(a) An income payor that:	
38	(1) discharges from employment an obligor;	
39	(2) refuses to employ an obligor;	
40	(3) takes disciplinary action against an obligor employed by	
41	the income payor; or	
12	(4) otherwise discriminates against an obligor;	



1	because of the existence of an income withholding order or the
2	obligations imposed upon the income payor by the income
3	withholding order, is subject to a penalty not to exceed five
4	thousand dollars (\$5,000) payable to the state and recoverable in
5	a civil action. An obligor or the Title IV-D agency may bring an
6	action to enforce a penalty under this subsection.
7	(c) (b) The collection of money under this section does not affect:
8	(1) the obligor's right to damages under IC 24-4.5-5-202; or
9	(2) any other legal remedy available to the obligor;
10	because of discharge from employment, refusal of employment, or
11	disciplinary action.
12	SECTION 38. IC 31-16-15-26 IS AMENDED TO READ AS
13	FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 26. (a) If the Title IV-D
14	agency or the court becomes aware that the obligor has a new income
15	payor after income withholding has been activated under section 5 or
16	6 of this chapter: implemented:
17	(1) if the order is an income withholding order implemented
18	under section 2.5 of this chapter, the Title IV-D agency; in a
19	case arising under section 5 of this chapter; or
20	(2) if the order is an income withholding order implemented
21	under section 0.5 of this chapter or an income withholding
22	order implemented after a stay has been lifted under section
23	5.5 of this chapter, the court; in a case arising under section 6 of
24	this chapter;
25	shall send a notice the income withholding order to the new income
26	payor. that the withholding is binding on the new income payor.
27	(b) The notice sent under subsection (a) must comply with section
28	10 of this chapter.
29	SECTION 39. IC 31-16-15-29 IS ADDED TO THE INDIANA
30	CODE AS A NEW SECTION TO READ AS FOLLOWS
31	[EFFECTIVE JULY 1, 2007]: Sec. 29. (a) The registration of a
32	foreign support order as provided in IC 31-18-6 is sufficient for the
33	implementation of an income withholding order by the Title IV-D
34	agency.
35	(b) The Title IV-D agency shall issue a notice in accordance with
36	section 3.5 of this chapter of the implementation of a foreign
37	support order to the obligor.
38	SECTION 40. IC 31-16-15-30 IS ADDED TO THE INDIANA
39	CODE AS A NEW SECTION TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2007]: Sec. 30. A Title IV-D agency or an

agent of a Title IV-D agency acting within the scope of the agent's

employment is not subject to any civil liability for income withheld



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1	and paid to an obligee, the Title IV-D agency, or the state central
2	collection unit in accordance with an income withholding order.
3	SECTION 41. IC 31-25-3-3 IS ADDED TO THE INDIANA CODE
4	AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
5	1, 2007]: Sec. 3. (a) The bureau established by section 1 of this
6	chapter or an agent of the bureau may issue an administrative
7	subpoena to obtain any financial or other information needed to
8	establish, modify, or enforce a child support order.
9	(b) A person doing business in Indiana shall comply with an
.0	administrative subpoena issued by the bureau or its agent under
1	this section, notwithstanding any other law making the information
2	required by the subpoena confidential.
3	(c) The bureau may impose a civil penalty of not more than one
4	thousand dollars (\$1,000) on a person who refuses to comply with
.5	an administrative subpoena issued by the bureau or an agent of the
6	bureau under this section.
7	SECTION 42. IC 31-25-4-17, AS ADDED BY P.L.145-2006,
. 8	SECTION 271, IS AMENDED TO READ AS FOLLOWS
9	[EFFECTIVE JULY 1, 2007]: Sec. 17. (a) The bureau shall do the
20	following:
21	(1) Collect support payments when the payments have been
22	assigned to the state by the application for assistance under Title
23	IV-A.
24	(2) Assist in obtaining a support order, including an order for
25	health insurance coverage under:
26	(A) IC 27-8-23;
27	(B) IC 31-14-11-3; or
28	(C) IC 31-16-6-4;
29	when there is no existing order and assistance is sought.
0	(3) Assist mothers of children born out of wedlock in establishing
31	paternity and obtaining a support order, including an order for
32	health insurance coverage under IC 27-8-23, when the mother has
33	applied for assistance.
34	(4) Implement income withholding in any Title IV-D case:
55	(A) with an arrearage; and
66	(B) without an order issued by a court or an administrative
37	agency.
8	(5) Enforce intrastate and interstate support orders using high
9	volume automated enforcement features.
10	(6) Use a simplified procedure for the review and adjustment of
1	support orders as set forth in 42 U.S.C. 666(a)(10).
12	(b) Whenever the bureau collects support payments on behalf of an



1	
1	individual who is no longer a member of a household that receives
2	Title IV-A cash payments, the collected support payments (except
3	collections made through a federal tax refund offset) shall be promptly
4	distributed in the following order:
5	(1) Payment to the recipient of the court ordered support
6	obligation for the month that the support payment is received.
7	(2) Payment to the recipient of the support payment arrearages
8	that have accrued during any period when the recipient was not a
9	member of a household receiving Title IV-A assistance.
.0	(3) Payment to the state in an amount not to exceed the lesser of:
.1	(A) the total amount of past public assistance paid to the
.2	recipient's family; or
.3	(B) the amount assigned to the state by the recipient under
4	IC 12-14-7-1.
.5	(4) Payment of support payment arrearages owed to the recipient.
6	(5) Payment of any other support payments payable to the
7	recipient.
. 8	(c) Whenever the bureau receives a payment through a federal tax
9	refund offset on behalf of an individual who has received or is
20	receiving Title IV-A assistance, the child support payment shall be
21	distributed as follows:
22	(1) To the state, an amount not to exceed the lesser of:
23	(A) the total amount of past public assistance paid to the
24	individual's family; or
2.5	(B) the amount assigned to the state by the individual under
26	IC 12-14-7-1.
27	(2) To the individual, any amounts remaining after the
28	distribution under subdivision (1).
29	(d) Except as provided in IC 31-25-4-19.5, whenever the bureau
0	collects a child support payment from any source on behalf of an
31	individual who has never received Title IV-A assistance, the bureau
32	shall forward all money collected to the individual.
33	(e) Whenever the bureau receives a child support payment on behalf
34	of an individual who currently receives a Title IV-A cash payment or
55	an individual whose cash payment was recouped, the child support
66	payment shall be distributed as follows:
37	(1) To the state, an amount not to exceed the lesser of:
8	(A) the total amount of past public assistance paid to the
9	individual's family; or
10	(B) the amount assigned to the state by the individual under
1	IC 12-14-7-1.
12	(2) To the individual, any amounts remaining after the



1	distribution under subdivision (1).
2	(f) Unless otherwise required by federal law, not more than
3	seventy-five (75) days after a written request by a recipient, the bureau
4	shall provide an accounting report to the recipient that identifies the
5	bureau's claim to a child support payment or arrearage.
6	SECTION 43. IC 31-25-4-19.5 IS ADDED TO THE INDIANA
7	CODE AS A NEW SECTION TO READ AS FOLLOWS
8	[EFFECTIVE JULY 1, 2007]: Sec. 19.5. (a) If a Title IV-D agency
9	collects at least five hundred dollars (\$500) of child support
10	payments on behalf of an individual who has never received Title
11	IV-A assistance, the Title IV-D agency shall collect a fee in
12	accordance with 42 U.S.C. 654(6). The Title IV-D agency may
13	collect the fee by issuance and implementation of an income
14	withholding order.
15	(b) The Title IV-D agency shall collect the fee described in
16	subsection (a) from one (1) of the following:
17	(1) Any amount of child support payments that exceeds five
18	hundred dollars (\$500) collected on behalf of the individual
19	who applied for the services of collecting the child support
20	payments.
21	(2) The parent who owes the child support obligation being
22	enforced by the Title IV-D agency.
23	(3) State funds appropriated for the purpose of paying a fee
24	under subsection (a).
25	SECTION 44. IC 31-25-4-31, AS ADDED BY P.L.145-2006,
26	SECTION 271, IS AMENDED TO READ AS FOLLOWS
27	[EFFECTIVE JULY 1, 2007]: Sec. 31. (a) The bureau shall operate a
28	data match system with each financial institution doing business in
29	Indiana.
30	(b) Each financial institution doing business in Indiana shall provide
31	information to the bureau on all noncustodial parents who:
32	(1) hold one (1) or more accounts with the financial institution;
33	and
34	(2) are delinquent.
35	(c) In order to provide the information required under subsection
36	(b), a financial institution shall either:
37	(1) identify noncustodial parents by comparing records
38	maintained by the financial institution with records provided by
39	the bureau by:
40	(A) name; and
41	(B) either Social Security number or tax identification number;
42	or



1	(2) submit to the bureau a report, in a form satisfactory to the
2	bureau, that includes the Social Security number or tax
3	identification number of each individual maintaining an account
4	at the financial institution.
5	(d) The information required under subsection (b) must:
6	(1) be provided on a quarterly basis; and
7	(2) include the:
8	(A) name;
9	(B) address of record; and
10	(C) either the Social Security number or tax identification
11	number;
12	of an individual identified under subsection (b).
13	(e) Subject to section 31.5 of this chapter, when the bureau has
14	determined that the information required under subsection (d)(2) is
15	identical for an individual who holds an account with a financial
16	institution and an individual whose name appears on the quarterly list
17	prepared by the bureau under section 30 of this chapter, the bureau
18	shall provide a notice of the match if action is to be initiated to block
19	or encumber the account by establishing a lien for child support
20	payment to the:
21	(1) individual; and
22	(2) financial institution holding the account.
23	(f) The notice under section (e) must inform the individual that:
24	(1) the individual's account in a financial institution is subject to
25	a child support lien; and
26	(2) the individual may file an appeal with the bureau within
27	twenty (20) days after the date the notice was issued.
28	(g) The bureau shall hold a hearing under 470 IAC 1-4. The
29	department's final action following a hearing held under this
30	subdivision subsection is subject to judicial review as provided in 470
31	IAC 1-4.
32	(h) The state's lien on assets under this section is subordinate to any
33	prior lien perfected by:
34	(1) a financial institution; or
35	(2) another legitimate lien holder.
36	(i) A lien issued under this section remains in effect until the earliest
37	of:
38	(1) one hundred twenty (120) days after issuance;
39	(2) the date the asset on which the lien is issued is surrendered; or
40	(3) the date the lien is released by an action of the bureau.
41	(j) This section does not preclude a financial institution from
42	exercising its right to:



1	(1) charge back or recoup a deposit to an account; or
2	(2) set off from an account held by the financial institution in
3	which the noncustodial parent has an interest in any debts owed
4	to the financial institution that existed before:
5	(A) the state's lien; and
6	(B) notification to the financial institution of the child support
7	delinquency.
8	(k) A financial institution ordered to block or encumber an account
9	under this section is entitled to collect its normally scheduled account
0	activity fees to maintain the account during the period the account is
1	blocked or encumbered.
2	(1) All information provided by a financial institution under this
3	section is confidential and is available only to the bureau or its agents
4	for use only in child support enforcement activities.
.5	(m) A financial institution providing information required under this
6	section is not liable for:
7	(1) disclosing the required information to the bureau;
8	(2) blocking or surrendering any of an individual's assets in
9	response to a lien imposed by:
20	(A) the bureau under this section; or
21	(B) a person or entity acting on behalf of the bureau; or
22	(3) any other action taken in good faith to comply with this
23	section.
24	(n) The department shall pay a financial institution performing the
25	data match required by this section a reasonable fee for providing the
26	service that does not exceed the actual cost incurred by the financial
27	institution.
28	(o) This section does not prevent the bureau or its agents from
29	encumbering an obligor's account with a financial institution by any
0	other remedy available for the enforcement of a child support order.
31	SECTION 45. IC 31-25-4-31.5 IS ADDED TO THE INDIANA
32	CODE AS A NEW SECTION TO READ AS FOLLOWS
3	[EFFECTIVE JULY 1, 2007]: Sec. 31.5. (a) Before enforcing a lien
34	created under section 31 of this chapter by attempting to garnish,
35	attach, or otherwise acquire by legal process the funds in a joint
66	account, the bureau shall send notice by first class mail to each
37	joint account holder of the joint account at the joint account
8	holder's last known address. The notice must include the following
19	information:
10	(1) A joint account holder may request a hearing not later
1	than twenty (20) days after receipt of the notice.
12	(2) If the joint account holder requests a hearing under



1	subdivision (1), the joint account holder may present evidence
2	to the bureau that, based on the factors under subsection (c),
3	part of the funds in the joint account should not be garnished,
4	attached, or otherwise acquired by legal process to enforce a
5	judgment against an obligor for delinquent child support.
6	(b) If a joint account holder requests a hearing not later than
7	twenty (20) days after receipt of the notice under subsection (a), the
8	bureau shall hold a hearing to determine whether, based on the
9	evidence presented, any part of the funds in the joint account
0	should not be garnished, attached, or otherwise acquired by legal
1	process to enforce a judgment against an obligor for delinquent
2	child support.
3	(c) In determining the amount of funds that should not be
4	garnished, attached, or otherwise acquired by legal process under
5	subsection (b), the bureau may consider the following factors:
6	(1) Whether a joint account holder contributed to the funds in
7	the joint account.
8	(2) The items purchased or paid for from the funds in the
9	joint account.
20	(3) Any other relevant factors.
21	SECTION 46. IC 31-25-4-32, AS ADDED BY P.L.145-2006,
22	SECTION 271, IS AMENDED TO READ AS FOLLOWS
23	[EFFECTIVE JULY 1, 2007]: Sec. 32. (a) When the Title IV-D agency
24	finds that an obligor is delinquent and can demonstrate that all previous
25	enforcement actions have been unsuccessful, the Title IV-D agency
26	shall send, to a verified address, a notice to the obligor that does the
27	following:
28	(1) Specifies that the obligor is delinquent.
29	(2) Describes the amount of child support that the obligor is in
0	arrears.
31	(3) States that unless the obligor:
32	(A) pays the obligor's child support arrearage in full;
3	(B) requests the activation of an income withholding order
4	under IC 31-16-15-2 and establishes a payment plan with the
55	Title IV-D agency to pay the arrearage, which includes an
66	income withholding order; or
57	(C) requests a hearing under section 33 of this chapter;
88	within twenty (20) days after the date the notice is mailed, the
10 19	Title IV-D agency shall issue an order to the bureau of motor
1	vehicles stating that the obligor is delinquent and that the
1	obligor's driving privileges shall be suspended.
12	(4) Explains that the obligor has twenty (20) days after the notice



1	is mailed to do one (1) of the following:
2	(A) Pay the obligor's child support arrearage in full.
3	(B) Request the activation of an income withholding order
4	under IC 31-16-15-2 and Establish a payment plan with the
5	Title IV-D agency to pay the arrearage, which includes an
6	income withholding order under IC 31-16-15-2 or
7	IC 31-16-15-2.5.
8	(C) Request a hearing under section 33 of this chapter.
9	(5) Explains that if the obligor has not satisfied any of the
10	requirements of subdivision (4) within twenty (20) days after the
11	notice is mailed, that the Title IV-D agency shall issue a notice to:
12	(A) the board or department that regulates the obligor's
13	profession or occupation, if any, that the obligor is delinquent
14	and that the obligor may be subject to sanctions under
15	IC 25-1-1.2, including suspension or revocation of the
16	obligor's professional or occupational license;
17	(B) the supreme court disciplinary commission if the obligor
18	is licensed to practice law;
19	(C) the department of education established by IC 20-19-3-1
20	if the obligor is a licensed teacher;
21	(D) the Indiana horse racing commission if the obligor holds
22	or applies for a license issued under IC 4-31-6;
23	(E) the Indiana gaming commission if the obligor holds or
24	applies for a license issued under IC 4-33;
25	(F) the commissioner of the department of insurance if the
26	obligor holds or is an applicant for a license issued under
27	IC 27-1-15.6, IC 27-1-15.8, or IC 27-10-3; or
28	(G) the director of the department of natural resources if the
29	obligor holds or is an applicant for a license issued by the
30	department of natural resources under the following:
31	(i) IC 14-22-12 (fishing, hunting, and trapping licenses).
32	(ii) IC 14-22-14 (Lake Michigan commercial fishing
33	license).
34	(iii) IC 14-22-16 (bait dealer's license).
35	(iv) IC 14-22-17 (mussel license).
36	(v) IC 14-22-19 (fur buyer's license).
37	(vi) IC 14-24-7 (nursery dealer's license).
38	(vii) IC 14-31-3 (ginseng dealer's license).
39	(6) Explains that the only basis for contesting the issuance of an
40	order under subdivision (3) or (5) is a mistake of fact.
41	(7) Explains that an obligor may contest the Title IV-D agency's
42	determination to issue an order under subdivision (3) or (5) by



1	making written application to the Title IV-D agency within twenty	
2	(20) days after the date the notice is mailed.	
3	(8) Explains the procedures to:	
4	(A) pay the obligor's child support arrearage in full; and	
5	(B) establish a payment plan with the Title IV-D agency to pay	
6	the arrearage, and which must include an income	
7	withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.	
8	(C) request the activation of an income withholding order	
9	under IC 31-16-15-2.	
10	(b) Whenever the Title IV-D agency finds that an obligor is	
11	delinquent and has failed to:	
12	(1) pay the obligor's child support arrearage in full;	
13	(2) establish a payment plan with the Title IV-D agency to pay the	
14	arrearage, and request the activation of which includes an income	
15	withholding order under IC 31-16-15-2 or IC 31-16-15-2.5; or	
16	(3) request a hearing under section 33 of this chapter within	
17	twenty (20) days after the date the notice described in subsection	
18	(a) is mailed;	
19	the Title IV-D agency shall issue an order to the bureau of motor	
20	vehicles stating that the obligor is delinquent.	
21	(c) An order issued under subsection (b) must require the following:	
22	(1) If the obligor who is the subject of the order holds a driving	
23	license or permit on the date the order is issued, that the driving	
24	privileges of the obligor be suspended until further order of the	
25	Title IV-D agency.	
26	(2) If the obligor who is the subject of the order does not hold a	
27	driving license or permit on the date the order is issued, that the	
28	bureau of motor vehicles may not issue a driving license or permit	
29	to the obligor until the bureau of motor vehicles receives a further	
30	order from the Title IV-D agency.	
31	(d) The Title IV-D agency shall provide the:	
32	(1) full name;	
33 34	(2) date of birth;(3) verified address; and	
34 35		
36	(4) Social Security number or driving license number;	
	of the obligor to the bureau of motor vehicles. (e) Whenever the Title IV-D agency finds that an obligor who is an	
37 38	• •	
39	applicant (as defined in IC 25-1-1.2-1) or a practitioner (as defined in IC 25-1-1.2-6) is delinquent and the applicant or practitioner has failed	
39 40		
40 41	to: (1) pay the obligor's child support arrearage in full;	
42	(2) establish a payment plan with the Title IV-D agency to pay the	
⊤ ∠	(2) establish a payment plan with the Title IV-D agency to pay the	



1	arrearage, or request the activation of which includes an income
2	withholding order under IC 31-16-15; IC 31-16-15-2 or
3	IC 31-16-15-2.5; or
4	(3) request a hearing under section 33 of this chapter;
5	the Title IV-D agency shall issue an order to the board regulating the
6	practice of the obligor's profession or occupation stating that the
7	obligor is delinquent.
8	(f) An order issued under subsection (e) must direct the board or
9	department regulating the obligor's profession or occupation to impose
10	the appropriate sanctions described under IC 25-1-1.2.
11	(g) Whenever the Title IV-D agency finds that an obligor who is an
12	attorney or a licensed teacher is delinquent and the attorney or licensed
13	teacher has failed to:
14	(1) pay the obligor's child support arrearage in full;
15	(2) establish a payment plan with the Title IV-D agency to pay the
16	arrearage, or request the activation of which includes an income
17	withholding order under IC 31-16-15-2 or IC 31-16-15-2.5; or
18	(3) request a hearing under section 33 of this chapter;
19	the Title IV-D agency shall notify the supreme court disciplinary
20	commission if the obligor is an attorney, or the department of education
21	if the obligor is a licensed teacher, that the obligor is delinquent.
22	(h) Whenever the Title IV-D agency finds that an obligor who holds
23	a license issued under IC 4-31-6 or IC 4-33 has failed to:
24	(1) pay the obligor's child support arrearage in full;
25	(2) establish a payment plan with the Title IV-D agency to pay the
26	arrearage, and request the activation of which includes an income
27	withholding order under IC 31-16-15-2 or IC 31-16-15-2.5; or
28	(3) request a hearing under section 33 of this chapter;
29	the Title IV-D agency shall issue an order to the Indiana horse racing
30	commission if the obligor holds a license issued under IC 4-31-6, or to
31	the Indiana gaming commission if the obligor holds a license issued
32	under IC 4-33, stating that the obligor is delinquent and directing the
33	commission to impose the appropriate sanctions described in
34	IC 4-31-6-11 or IC 4-33-8.5-3.
35	(i) Whenever the Title IV-D agency finds that an obligor who holds
36	a license issued under IC 27-1-15.6, IC 27-1-15.8, or IC 27-10-3 has
37	failed to:
38	(1) pay the obligor's child support arrearage in full;
39	(2) establish a payment plan with the Title IV-D agency to pay the
40	arrearage, and request the activation of which includes an income
41	withholding order under IC 31-16-15-2 or IC 31-16-15-2.5; or
12	(3) request a hearing under section 33 of this chapter;



1	the Title IV-D agency shall issue an order to the commissioner of the
2	department of insurance stating that the obligor is delinquent and
3	directing the commissioner to impose the appropriate sanctions
4	described in IC 27-1-15.6-29 or IC 27-10-3-20.
5	(j) Whenever the Title IV-D agency finds that an obligor who holds
6	a license issued by the department of natural resources under
7	IC 14-22-12, IC 14-22-14, IC 14-22-16, IC 14-22-17, IC 14-22-19,
8	IC 14-24-7, or IC 14-31-3 has failed to:
9	(1) pay the obligor's child support arrearage in full;
10	(2) establish a payment plan with the Title IV-D agency to pay the
11	arrearage, and request the activation of which includes an income
12	withholding order under IC 31-16-15-2 or IC 31-16-15-2.5; or
13	(3) request a hearing under section 33 of this chapter;
14	the Title IV-D agency shall issue an order to the director of the
15	department of natural resources stating that the obligor is delinquent
16	and directing the director to suspend or revoke a license issued to the
17	obligor by the department of natural resources as provided in
18	IC 14-11-3.
19	SECTION 47. IC 33-37-5-6, AS AMENDED BY P.L.148-2006,
20	SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
21	JULY 1, 2007]: Sec. 6. (a) This section applies to an action in which a
22	final court order requires a person to pay support or maintenance
23	payments through the clerk or the state central collection unit.
24	(b) The clerk or the state central collection unit shall collect a fee in
25	addition to support and maintenance payments. The fee is thirty dollars
26	(\$30) fifty-five dollars (\$55) for each calendar year.
27	(c) The fee required under subsection (b) is due at the time that the
28	first support or maintenance payment for the calendar year in which the
29	fee must be paid is due.
30	(d) The clerk may not deduct the fee from a support or maintenance
31	payment.
32	(e) Except as provided under IC 33-32-4-6 and IC 33-37-7-2(g), if
33	a fee is collected under this section by the clerk, the clerk shall forward
34	the fee to the county auditor in accordance with IC 33-37-7-12(a). If a
35	fee is collected under this section by the central collection unit, the fee
36	shall be deposited in the state general fund.
37	(f) Income payors required to withhold income under IC 31-16-15
38	shall pay the annual fee required by subsection (b) through the income
39	withholding procedures described in IC 31-16-15-1. IC 31-16-15.
40	SECTION 48. IC 34-30-2-133.2 IS ADDED TO THE INDIANA
41	CODE AS A NEW SECTION TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2007]: Sec. 133.2. IC 31-16-15-30



IC 31-16-15-13; IC 31-16-15-14; IC 31-16-15-15; IC 31-16-15-21;

1	(Concerning a Title IV-D agency or an agent of a Title IV-D agency
2	for withholding income paid to an obligee, the Title IV-D agency,
3	or the state central collection unit in accordance with an income
4	withholding order).
5	SECTION 49. THE FOLLOWING ARE REPEALED [EFFECTIVE
6	JULY 1, 2007]: IC 31-16-15-1; IC 31-16-15-3; IC 31-16-15-4;
7	IC 31-16-15-5; IC 31-16-15-6; IC 31-16-15-7; IC 31-16-15-8;
8	IC 31-16-15-9: IC 31-16-15-10: IC 31-16-15-11: IC 31-16-15-12:

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IC 31-16-15-24.